

NEWSWEEK  
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Susan T. McElhinney

Angleton's catch-22: Breaking the law because they don't think you will

## The CIA's Letter Bombs

Scarcely a day passed last week without more revelations of extralegal operations by the nation's intelligence establishment. In the Senate, Democratic Sen. Frank Church's investigation turned up the titillating news that the Central Intelligence Agency's twenty-year-old clandestine mail-opening program (targeted primarily on mail from Communist-bloc nations) had scanned private letters to or from Richard Nixon, Sen. Edward Kennedy and economist Arthur Burns, and even one from Church himself—a letter the senator had sent to his mother-in-law while on a tour of the Soviet Union in 1971. The next day, Church disclosed that over a period of 26 years, the FBI had committed more than 238 illegal "black bag" break-ins against

dissident groups and private citizens.

In the House, the intelligence committee headed by New York's Otis G. Pike found itself confronted with a refusal by Secretary of State Henry Kissinger to permit middle-level State Department officials to testify about foreign-policy formulation. Exasperated, Pike threatened that he would seek contempt proceedings, if necessary, and thus seemed bound on a collision course with the White House, which had approved Kissinger's decision in the first place. Late in the week, Pike spent 90 minutes with the President trying to iron out their differences, but emerged to announce that he and Ford were "still in disagreement on a number of issues."

The main focus of the Senate hearings

was on the so-called Huston plan, a blueprint for a series of patently illegal surveillances, mail openings and wire-tappings that was drawn up in 1970 in response to pressure from Richard Nixon's White House for more and better intelligence on campus radicals.

Nixon had approved the plan initially but revoked it five days later, apparently because of strong objections by former FBI director J. Edgar Hoover. But the hearings disclosed that some of the most insidious practices suggested in the plan had gone on both before and after Nixon was asked for his approval of them. According to the plan's namesake, former White House aide Tom Charles Huston, the agencies that were using such illegal methods kept that fact from each other—and also from the President. "If we had known that many of the tools we were asking for were already being used," Huston testified, "it might have changed the whole approach."

The CIA's mail-interception program—code-named HT Lingual—was described without naming names, by the Rockefeller Commission three months ago, but what irked the committee most was the fact that mail openings could have gone on at all without Presidential consent—and were actually continued even after Nixon's revocation of the Huston plan. "So the Commander in Chief isn't the Commander in Chief at all," Church fumed at James Angleton, the former chief of CIA counterintelligence and head of HT Lingual. "He's just a problem. You don't want to inform him because he might say 'No'."

'Important': Angleton did not argue the point—but he did defend the program as "extremely important" for counterintelligence. Communist countries, he said without noticeable irony, apparently believed the agency would not break the law, and were therefore uninhibited in their use of the U.S. mails.

Memorandum to Mr. C. D. DeLoach  
re: "BLACK BAG" JOBS

In short, it is a very valuable weapon which we have used to combat the highly clandestine efforts of subversive elements seeking to undermine our Nation.

### RECOMMENDATION:

For your information.

*No more such techniques  
must be used.*

Sullivan memo and Hoover's reply: The file was marked 'Do Not File'

continued

Angleton also seemed sympathetic to the FBI's use of "black bag jobs" against domestic dissenters. The bureau admitted that between 1942 and 1968 it had committed 238 such break-ins against fourteen activist groups, as well as uncounted others against three more. Records of these break-ins were kept in a "Do Not File" file at FBI headquarters. The curious nomenclature was explained by former assistant FBI director William C. Sullivan in a July 1966 memo that the committee released last week: "We do not obtain authorization for 'black bag' jobs outside the bureau. Such technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it."

Hoover scrawled his disapproval at the bottom of the memo, putting a virtual stop to the burglaries in 1966—but apparently not out of respect for civil liberties. In 1970, only months after the Huston plan was revoked, Hoover reactivated the bureau's 7,000-name "security index" of political dissidents and launched investigations of more than

10,000 black activists and members of Students for a Democratic Society.

On the House side, the confrontation between Pike's intelligence committee and the White House began three weeks ago, after the committee authorized the release of certain classified material. Since then, Ford has tried to make the delivery of further documents conditional on the committee's promise that they will not be made public. The committee has just as adamantly refused to go along, insisting that without unconditional access to classified documents, there could be no truly effective Congressional oversight. Then last week, Secretary of State Henry Kissinger sent Deputy Under Secretary Lawrence Eagleburger to tell the committee that the Secretary had placed what amounted to a gag rule on all potential witnesses from the State Department except for senior officials. For

Pike, that was the last straw. "We have seen a pattern of obstruction, delay and concealment," the New York Democrat declared. "The executive branch is in contempt of Congress."

At the weekend, Pike announced his determination to take the matter to the full House—first for a "vote of confidence" and then, if necessary, for a formal citation for contempt, probably against CIA director William Colby.

In both houses of Congress, the impetus for reform was gathering strength by the day. But the problem facing both the committees and the intelligence establishment is how to make intelligence agencies at once secret and accountable for their actions—and whether, in the end, they can be effective at all without some cost to civil liberties.

—JAMES R. GAINES with EVERT CLARK and HENRY McGEE in Washington